

### **REMARKS/ARGUMENTS**

Claims 26 to 47, 51, 52 and 61 to 63 are pending in this application, of which Claims 26 and 51 are independent. Claims 54 to 60 previously withdrawn from consideration are being cancelled without prejudice or disclaimer of the subject matter. Claims 26 to 29, 37, 43, 44 and 51 are being amended, and Claims 61 to 63 are being added. Reconsideration and reexamination are respectfully requested.

#### **Rejection of Claims 26-47 and 51-52 Based on 35 U.S.C. § 102**

The Examiner rejects Claims 26-47 and 51-52 under 35 USC 102(e) over U.S. Patent No. 7,130,807 (Mikurak). Reconsideration and withdrawal of the § 102(e) rejection are respectfully requested based at least on the reasons set forth herein.

Turning first to Claim 26, among its elements, the claim recites first business process data comprising a set of transaction messages obtained from at least one first trading participant, the set of transaction messages, which comprises a first data format in accordance with a first protocol for conducting business transactions used by the at least one first trading participant, is processed at the process management platform, which process management platform is configured to manage a flow of business process data comprising transaction messages, and which is further configured to automatically determine at least one of a plurality of second trading participants to satisfy the

first business process data. Claim 26 further recites identifying a second protocol for conducting business transactions used by the at least one of a plurality of second trading participants, generating second business process data from the first business process data, the second business process data comprising a set of transaction messages having a data format in accordance with the identified second protocol for conducting business transactions used by the at least one of the plurality of second trading participants, and transmitting the second business data from the process management platform to the at least one of the plurality of second trading participants, such that the first and second trading participants conduct business transactions in accordance with their respective protocols for conducting business transactions.

Applicant respectfully submits that Mikurak does not teach, suggest or disclose at least the above-identified elements of Claim 26.

Mikurak describes a planning system which uses supply and demand information collected from manufacturers and service providers via a network, respectively, to predict future supply and demand, and provides an order management capability whereby a service provider places an order via a terminal, a supplier is identified and the supplier's progress in completing the order is tracked and progress reports are generated.

The Office Action contends that col. 3, lines 3 to 5, col. 307, lines 37 to 30, col. 10, lines 1 to 25, col. 10, lines 1 to 25, and col. 14, lines 22 to 28 of Mikurak

disclose the claimed first business process data comprising a set of transaction messages having a first data format in accordance with a protocol for conducting business transactions obtained from at least one first trading participant. The cited portions of Mikurak describe using a network communication protocol such as HTTP to receive information from a business entity via a network, and using a markup language, such as HTML. A network protocol which defines the packet structure for network packets to be sent over a communications network and a markup language which defines the contents of a web page to be displayed by a browser cannot be said to correspond to a protocol for conducting business transactions used by a trading participant, let alone business process data comprising a set of transaction messages having a data format in accordance with such a protocol for conducting business transactions.

The other cited portions of Mikurak focus on object-oriented programming concepts, and in particular on developing object-oriented computer software programs using objects and classes of objects, which cited portions clearly cannot be said to remedy the above-identified deficiencies. It is respectfully submitted that nothing in the cited portions of Mikurak can be said to teach, suggest or disclose obtaining a first business process data from at least one first trading participant, said first business process data comprising a set of transaction messages having a first data format in accordance with a first standard protocol for conducting business transactions.

Even while the above should be sufficient reason to withdraw the § 102(e) rejection, the rejection should be withdrawn since the cited portions of Mikurak fail to teach, suggest or disclose identifying a second protocol for conducting business transactions used by a second trading participant, generating a second business process data comprising a set of transaction messages having a data format in accordance with the identified second protocol for conducting business transactions, and/or transmitting the second business process data from the process management platform to the at least one second trading participant, such that the first and second trading participants conduct the business transactions in accordance with their respective protocols for conducting business transactions.

Nothing in the cited portions of Mikurak teach, suggest or disclose these elements.

For at least the foregoing reasons, Applicant submits that independent Claim 26 is allowable over the cited reference. Further dependent Claims 27 to 47, which depend from allowable base Claim 26, are allowable for at least the foregoing reasons. In addition to the reasons set forth above, dependent Claims 27 to 47 recite additional elements which are not taught, suggested or disclosed by the cited reference.

New Claims 61 to 63 depend from Claim 26 and recite additional elements including determining whether said protocol for conducting business transactions used by said at least one of a plurality of second trading participants

is other than said protocol for conducting business transactions used by said at least one first trading participant. Nothing in the cited portions of Mikurak can be said to teach, suggest or disclose the additional elements recited in Claims 61 to 63. Accordingly, Claims 61 to 63 are believed to be patentable over Mikurak.

Independent Claim 51 recites computer readable program code for managing a plurality of business processes, the program code configured to obtain a plurality of business processes from a plurality of first entities wherein the plurality of business processes comprises a sequence of messages linked by a predefined workflow and exchanged over a predefined period of time, manage the plurality of business processes at a process management platform, and forward the plurality of business processes from the process management platform to at least one of a plurality of second entities automatically determined to be configured to fulfill the plurality of business processes.

Among its many elements, Claim 51 recites obtaining a plurality of business processes from a plurality of first entities, the plurality of business processes comprising a sequence of messages linked by a predefined workflow and exchanged over a predefined period of time, the plurality of business processes being managed at a process management platform from which the business processes are forwarded to at least one of a plurality of second entities.

The Office Action relies on col. 11, lines 28 to 36, col. 12, lines 23 to 28, col. 13, lines 26 to 35 and col. 14, lines 19 to 26 of Mikurak and contends that the cited

portions disclose the claimed predefined workflow. However, the cited portions of Mikurak focus on general software programming principles directed to object-oriented programming, software program execution flow control, i.e., an order by which the steps of a program are executed by a computer processor, and program code optimization using a software application framework consisting of general application programming tools. Techniques for writing software programs and controlling the flow of execution of a software program cannot be said to in any way teach, suggest or disclose a plurality of business processes from a plurality of first entities, let alone such business processes comprising a sequence of messages linked by a predefined workflow and exchanged over a predefined period of time, and/or such business processes managed at a process management platform, from which platform said business processes are forwarded to a plurality of second entities automatically determined to be configured to fulfill the plurality of business processes.

For at least the foregoing reasons, Applicant submits that independent Claim 51 is allowable over the cited reference. In addition, dependent Claim 52, which depends from allowable base Claim 51, is believed to be allowable for at least the foregoing reasons. Furthermore, dependent Claim 52 recites additional elements which are not taught, suggested or disclosed by the cited reference.


Conclusion

Applicant submits that pending Claims 26-47, 51, 52 and 61 to 63 are in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

THE HECKER LAW GROUP

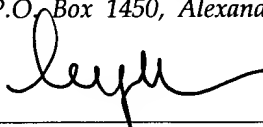
Date: March 16, 2007

By:   
Frank M. Weyer, Esq.  
Reg. No. 33,050

THE HECKER LAW GROUP, PLC  
1925 Century Park East  
Suite 2300  
Los Angeles, California 90067  
(310) 286-0377

**CERTIFICATE OF MAILING**

*I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450:*

  
Signature: Sergio Chacon  
March 16, 2007  
Date